

SAC 62

76. (Amended) A pharmaceutical composition comprising the peptide compound of [claim 61] any one of claims 61-68, 70, 71 or 73-75, and a pharmaceutically acceptable carrier.

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77. (Amended) A packaged formulation for treating a subject for a disorder associated with LHRH activity, comprising the peptide compound of [claim 61] any one of claims 61-68, 70, 71 or 73-75, packaged with instructions for using the peptide compound for treating a subject having a disorder associated with LHRH activity.

REMARKS

Claims 1-47 and 61-81 were pending. Claims 1-47, 69, 72 and 78-81 have been canceled. Accordingly, claims 61-68, 70, 71 and 73-77 are currently pending.

Applicant hereby affirms the provisional election to prosecute the invention of Group I, claims 61-76, drawn to peptides comprising a small polar moiety, and further confirm the election of the compound of claim 74 as the species election. Accordingly, claims 1-47 and 78-81 have been canceled as being drawn to nonelected inventions, without prejudice to further prosecution in one or more divisional applications.

With regard to claim 77, this claim was included as part of the Group I invention but the Examiner has indicated this claim as being withdrawn from further consideration as being drawn to a nonelected invention. Applicant notes that claim 77, as previously and currently pending, is a dependent ^{no} claim that depends from claims within the elected species. Accordingly, Applicant respectfully submits that this claim should not be withdrawn and requests that claim 77 be considered along with the other pending claims. *wd*

Independent claim 61 has been amended to incorporate all of the elements of dependent claim 69. Accordingly, claim 69 has been canceled. Independent claim 71 has been amended to incorporate all of the elements of dependent claim 72. Accordingly, claim 72 has been canceled. Claims 76 and 77 have been amended to be rewritten in

multiple dependent claim format. For the Examiner's convenience, a copy of the claims as pending after the amendments herein, is presented in Appendix A.

Amendment and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to more particularly point out and distinctly claim the subject matter that Applicant believes to be his invention in order to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Allowable Subject Matter

The Examiner has indicated that claims 73-75 are allowable and that claims 69, 70, 72 and 76 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that the amendment of claim 61 to include the limitations of claim 69 renders claims 61, and all pending dependent claims thereof (*i.e.*, claims 62-68 and 70) allowable. Moreover, Applicant submits that the amendment of claim 71 to include the limitations of claim 72 renders claim 71 allowable. Thus, Applicant believes that all of the pending compound claims (*i.e.*, claims 61-68, 70, 71 and 73-75) are in condition for allowance. Applicant further submits, therefore, that claims 76 and 77, which depend from these compound claims, are also in condition for allowance.

Rejection of Claims 61-69 Under 35 U.S.C. §112, Second Paragraph

Applicant respectfully submits that this rejection has been rendered moot by the amendment to claim 61, for reasons discussed above. Accordingly, Applicant requests that this rejection be withdrawn.

Rejections of Claims 61-68 and 71 Under 35 U.S.C. §101(b)

Applicant respectfully submits that these rejections have been rendered moot by the amendments to claim 61 and 71, for reasons discussed above. Accordingly, Applicant requests that these rejections be withdrawn.

SUMMARY

In view of the foregoing remarks, all pending claims are considered to be in condition for allowance. Reconsideration of the rejections and allowance of all pending claims is respectfully requested.

If a telephone conversation with Applicant's Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicant's Agent at (617) 227-7400.

Respectfully submitted,



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